

**FILED**

DISTRICT COURT OF GUAM

FEB 23 2006

MARY L.M. MORAN  
CLERK OF COURT

MAX S. MENDIOLA, pro se  
Federal Detention Center  
PO Box 3236  
Hagåtña, Guam 96932

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM

UNITED STATES OF AMERICA,

CR-04-00056

Plaintiff,

-VS-

MOTION FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS

MAX S. MENDIOLA,

Defendant.

Pursuant to 28 U.S.C.A. § 1915 and Rule 24, Fed.R.App.P., Max S. Mendiola, an individual incarcerated at the Federal Detention Center in Guam, respectfully moves the Court to grant him leave to proceed *in forma pauperis* to the Ninth Circuit Court of Appeals to appeal the final judgment and sentence entered in this action February 13, 2006. This Motion is supported by an accompanying Declaration Under Penalty of Perjury.

February 23, 2006

  
MAX S. MENDIOLA, pro se

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**Proof of Service**

I certify that on February 23, 2006, I caused a copy of the foregoing Motion for Leave to Proceed *in Forma Pauperis* to be served upon:

Leonardo M. Rapadas, Esq.  
United States Attorney  
108 Hernan Cortes Avenue, Suite 500  
Hagåtña, Guam 96910  
Telephone (671) 472-7332  
Facsimile (671) 472-7215

Service was accomplished by delivery of a copy of the form by messenger to the above-named person at the above named address. Executed this 23<sup>rd</sup> day of February 2006.

  
\_\_\_\_\_  
Max S. Mendiola, *pro se*